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ception of property and of contract, and it is equally important that the lawyer should be equipped with proper economic conceptions. As von Ihering says, in a passage quoted by Professor Ely, which may serve as pointing to the central idea of the present work, "It is not true that property according to its idea carries with it an absolute right of control. Property in such a form cannot be tolerated by society and never has been tolerated. The idea of property cannot carry with it anything which is contrary to the idea of society." Equally in the field of contract, it will not do to begin with an assumption that there is an absolute right to contract, when everyone who has read anything upon general jurisprudence knows, that there have been systems of society where contract was practically unknown, and that our own system of contract law is the result of the labors of ingenious lawyers working out the wants and needs of advancing society.

Professor Ely is far removed from the socialistic philosophy,—on the contrary, he firmly believes in the institution of private property. He goes farther than many advanced economists in support of the theory of inheritance, though he wisely points out that it is carried to an absurd extent when relatives of a decedent, however far removed, are permitted to succeed to a decedent's estate. Nor is the author a severe critic of the courts. He does find fault with them for proceeding upon the outworn economic theory of *laissez faire* and the political theories of natural rights. Like Justice Holmes he does not think that those who made our constitutions intended to engrave Herbert Spencer's *Social Ethics* in tablets of bronze, to be worshipped like the laws of the Medes and Persians. But he has no sympathy with the judicial recall, and, like all other serious thinkers, he sees one of the greatest menaces to liberty, progress and justice in an elective judiciary. His remedies for improvement ("obvious" remedies he calls them), are these, "First, we need an adequate modern legal education, conceived not from the point of view of private practice, but from the point of view of public interests. We want schools of jurisprudence in the broadest sense. And then as judges, all disclaimers to the contrary notwithstanding, do have real and very great legislative powers, only those should be selected as judges who have an enlightened twentieth century social philosophy." The lawyer who reads these interesting volumes will find not only many valuable practical suggestions, but will also be brought in touch with much of the best in juristic thought on this and the other side of the Atlantic.

O. K. M.

BRADBURY'S WORKMEN'S COMPENSATION AND STATE INSURANCE LAW. By Harry B. Bradbury. Second edition. The Banks Law Publishing Co., 23 Park Place, N. Y. 1914. Vol. 1, pp. lxxxii, 1052cc; vol. 2, pp. 1053, 2476. \$13.00.

When the author of this work undertook his task he was con-

fronted with a difficulty which rarely concerns the writer of law books. The field to be covered was not only an extensive one, but included a branch of the substantive law which was a distinct innovation upon our legal system. He was therefore unable to look to the work of former writers either for suggestions as to method or for material, nor save on a few of its phases, had he any considerable number of judicial decisions to aid him in mastering the complications of his subject. Yet in spite of these obstacles and others to which the situation necessarily gave rise, he has succeeded in producing a comprehensive and useful book. It is not a scholarly work, to be compared with the standard treatises of the law, nor is it entitled to a place in the first rank of modern text books. It is too largely a digest to be deserving of such classification. It is, however, a practical workbook, and one which must have a real value to the law maker and the practising lawyer.

The opening chapter presents an interesting summary of the steps which have led up to the now general indorsement of the view that the theory of compulsory compensation by an employer to one injured in his employ is a sound one. This discussion, coupled with a convenient arrangement which makes readily possible a detailed comparison of the several statutes at the present time in effect, provides a practical working basis for one who is engaged in the shaping of a new statute, or the construction of an amendment to a law already in force. For the lawyer, the work has its greatest attraction in its discussion of the statutes considered, its reference to decisions which have been rendered upon compensation and state insurance laws, and its chapter on procedure. This last is quite complete, and is supplemented wherever possible by such forms as have been officially prescribed or approved. Other important features of the book are its chapter on the actuarial principles underlying industrial insurance, and its publication in full of the compensation laws of Germany, England, Canada and the United States.

J. U. C., Jr.

MONTGOMERY'S MANUAL OF FEDERAL PROCEDURE. By Charles C. Montgomery. Bancroft-Whitney Co., 200 McAllister St., San Francisco, Cal. 1914. pp. viii, 1057. \$6.50.

To satisfy the requirements of the legal profession, treatises are being published which vary considerably from the typical text book. Like a medical prescription a law book now requires directions for use. The author of this manual has furnished in the preface the directions. There is an outline text of the subject with a reference to the statutes, to decided cases and often to standard treatises where a more complete discussion can be obtained. The work does not profess to be a scientific exposition of principles for students, or an exhaustive encyclopedia for practitioners. It is just what it purports to be—a guide. The text of the statutes is given *verbatim*. Notwithstanding recent codification, these statutes are still pretty well scattered throughout the